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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,409	10/24/2003	Jeffrey P. Snover	MSI-1739US	1913
22801	7590	06/05/2007	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			WOOD, WILLIAM H	
			ART UNIT	PAPER NUMBER
			2193	
			NOTIFICATION DATE	DELIVERY MODE
			06/05/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

10/693,409

Applicant(s)

SNOVER ET AL.

Examiner

William H. Wood

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-20 are pending and have been examined.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6, 8, 9-10 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Altiris **RapidInstall**, version 3.0, "Release Notes".

Claim 1

RapidInstall disclosed in a command line operating environment, a computer-executable method comprising:

executing each command on a command line in a first execution mode or in an alternate execution mode (*page 1, section "Simulated Install -si command line"*), wherein executing the command in the alternate execution mode occurs

when the command includes an instruction to execute in the alternate execution mode (*page 1, section "Simulated Install -si command line"*), the alternate execution mode being provided by the command line operating environment (*the RapidInstall environment*).

Claim 2

RapidInstall disclosed the computer-executable method of claim 1, wherein the alternate execution mode visually displays results of executing the command (*page 1, section "Simulated Install -si command line"*).

Claim 3

RapidInstall disclosed the computer-executable method of claim 1, wherein the alternate execution mode visually displays simulated results of executing the command (*page 1, section "Simulated Install -si command line"*).

Claim 6

RapidInstall disclosed the computer-executable method of claim 1, wherein executing the command in the alternate execution mode further occurs when the command line includes a switch indicating the alternate execution mode (*page 1, section "Simulated Install -si command line"*).

Claim 8

RapidInstall disclosed the computer-executable method of claim 1, wherein the instruction comprises a call to a method provided by the command line operating environment (*page 1, section "Simulated Install -si command line"; the RapidInstall environment*).

Claims 9-10 and 16-18

The limitations of claims 9-10 and 16-18 are substantially the same as for claims 1-3, 6 and 8 and as such are rejected in the same manner.

Claim 12

RapidInstall disclosed the computer-readable medium of claim 9, wherein the task comprises a stand-alone executable command (*page 1, section "Simulated Install -si command line"*).

Claim Rejections - 35 USC § 102/103

3. Claims 7 and 11 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Altiris **RapidInstall**, version 3.0, "Release Notes".

Claim 7

RapidInstall disclosed the computer-executable method of claim 6, wherein the switch comprises "whatif" (*nonfunctional descriptive material reads upon*

RapidInstall page 1, section "Simulated Install -si command line"; "whatif" is unique label just like "-si") and the alternate execution mode visually displays simulated results of executing the command (see claim 3).

Claim 11

The limitations of claims 11 are substantially the same as for claim 7 and as such are rejected in the same manner.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altiris **RapidInstall**, version 3.0, "Release Notes" in view of **Dykhuis**, R., "Beefing up DOS with 4DOS".

Claims 4 and 19

RapidInstall did not explicitly state *wherein the alternate execution mode prompts for verification of executing the command before executing the command*. **Dykhuis** demonstrated that it was known at the time of invention to make use

of verification prompts (page 36, middle column, paragraph beginning “MOVE will copy ...” and later “will prompt you with a ‘Y’ or ‘N’ to confirm ...”). It would have been obvious to one of ordinary skill in the art at the time of invention to implement **RapidInstall** with a verification process as is often typical and as demonstrated by **Dykhuis**. This implementation would have been obvious because one of ordinary skill in the art would be motivated to allow a user to “make sure” before an action irrecoverably alters the system’s configuration or performance as demonstrated with overwrite errors (**Dykhuis**: page 36, middle column, paragraph beginning “MOVE will copy ...”).

The limitations of claim 19 are substantially the same as for claim 4 and as such are rejected in the same manner.

6. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altiris **RapidInstall**, version 3.0, “Release Notes” in view of **Yager**, T., “Taking Command of Windows NT”.

Claims 5 and 20

RapidInstall did not explicitly state *wherein the alternate execution mode performs a security check to determine whether a user requesting the execution of the command has sufficient privileges to execute the command*. **Yager** demonstrated that it was known at the time of invention to make use of

command security checking (page 4, middle of left column to right column). It would have been obvious to one of ordinary skill in the art at the time of invention to implement **RapidInstall** with a verification as to user security or access level process as is often typical. This implementation would have been obvious because one of ordinary skill in the art would be motivated to allow a system to provide security to functions or commands which might have a significant impact on a system's configuration or performance.

The limitations of claim 20 are substantially the same as for claim 5 and as such are rejected in the same manner.

7. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altiris **RapidInstall**, version 3.0, "Release Notes" in view of **Murthy** et al. (USPN 7,103,590))

Claims 13-15

RapidInstall did not explicitly state *wherein the task comprises a pipeline of executable commands, each executable command operating in a separate process; wherein the task comprises a pipeline of executable commands, each executable command operating in the same process; or wherein each executable command comprises an instantiated class*. **Murthy** demonstrated that it was known at the time of invention to make use of multi-process/threaded systems;

pipelining processes (*column 6, lines 47-52; column 8, lines 11-13*) and objected oriented class/object technology (*column 1, lines 6-9*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement **RapidInstall** system with each of the above technologies to create a series of pipelined commands operating on either one process or multiple processes and using class instantiation. This implementation would have been obvious because one of ordinary skill in the art would be motivated: to increase flexibility (of design and implementation) through the use of discrete pipelineable commands; to increase workload throughput through multiple processes and parallelization (*column 2, lines 11-17*); and to increase ease of software maintenance with object oriented technology.

Response to Arguments

8. Applicant's arguments filed 24 January 2007 have been fully considered but they are not persuasive. Applicant argues the **RapidInstall** fails to disclosed an "alternate execution mode being provided by the command line environment" (Brief: page 10) and **RapidInstall** provides an executable that runs within and on a command line environment (Brief: page 12). The arguments are not persuasive.

The phrase "provided by the command line operating environment" is broad and includes all functionality provided by that environment. It is not clear the exact relationship of how the functionality is provided by that

environment. Thus, **RapidInstall** being executed “in”, “on” or “by” the command line operating environment is functionality provided by the command line operating environment. This is consistent with the originally filed disclosure and Applicant’s recently cited Webopedia definition, “The environment in which users run programs. For example the DOS environment consists of all the DOS commands ...”. Accordingly in DOS for example, the command line operating environment would included “hardwired” commands as well as batch commands and executable add-on commands.

Additional arguments concerning use of Official Notice are negated with the above new grounds of rejection. Having addressed all of Applicant’s concerns, the rejections are maintained as above indicated.

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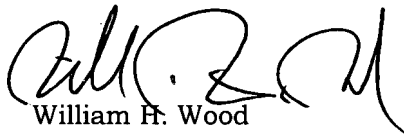
Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)-272-3756. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



William H. Wood
Patent Examiner

AU 2193

May 29, 2007